

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GENE HUTSON,

Plaintiff,

v.

COVIDIEN, INC.,

Defendant.

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8:08CV272

ORDER

Upon notice of settlement given to the magistrate judge on September 4, 2009, by counsel for the defendant,

IT IS ORDERED that:

1. **On or before October 5, 2009**, the parties shall electronically file a joint stipulation for dismissal (or other dispositive stipulation) and shall submit to the Honorable Joseph F. Bataillon, at *bataillon@ned.uscourts.gov*, a draft order which will fully dispose of the case. If the case is being dismissed, the stipulation shall comply with Fed. R. Civ. P. 41(a) and shall state whether the dismissal is with or without prejudice.

2. Absent compliance with this order, this case (including all counterclaims and the like) may be dismissed without further notice in accordance with NECivR 68.1.

3. The trial previously scheduled is cancelled upon the representation that this case is settled.

DATED this 4th day of September, 2009.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge